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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/842,495	04/25/2001	Sunil Shanthaveeraiah	5181-79200	7330	
7	590 03/28/2005		EXAM	EXAMINER	
Robert C. Kowert			TRUONG,	TRUONG, CAM Y T	
Conley, Rose &	& Tayon, P.C.				
P.O. Box 398			ART UNIT	PAPER NUMBER	
Austin, TX 78767			2162		
	DAT		DATE MAILED: 03/28/200	5	

Please find below and/or attached an Office communication concerning this application or proceeding.

## Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
09/942,495	SHANTAVEERAIAH ET AL		
Examiner	Art Unit		
Cam Y T Truong	2162		

before the rilling of all Appeal Brief	Examiner	Art Unit						
	Cam Y T Truong	2162						
The MAILING DATE of this communication appears on the cover sheet with the correspondence address								
THE REPLY FILED <u>14 March 2005</u> FAILS TO PLACE THIS AF		=						
1. The reply was filed after a final rejection, but prior to filing applicant must timely file one of the following replies: (1) application in condition for allowance; (2) a Notice of App Request for Continued Examination (RCE) in compliance time periods:	an amendment, affidavit, or other peal (with appeal fee) in compliance	evidence, which place e with 37 CFR 41.31;	es the or (3) a					
	The periods:  a) The period for reply expires <u>3</u> months from the mailing date of the final rejection.							
The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO								
MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f)	MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).							
Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).								
2. The reply was filed after the date of filing a Notice of Appeal, but prior to the date of filing an appeal brief. The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).  AMENDMENTS								
3. The proposed amendment(s) filed after a final rejection,	but prior to the date of filing a brief	f, will not be entered I	oecause					
<ul> <li>(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);</li> <li>(b) ☐ They raise the issue of new matter (see NOTE below);</li> <li>(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for</li> </ul>								
appeal; and/or	ter form for appeal by materially re	educing or simplifying	the issues for					
(d) They present additional claims without canceling a NOTE: (See 37 CFR 1.116 and 41.33(a)).								
The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  Applicant's reply has overcome the following rejection(s):								
<ol> <li>Newly proposed or amended claim(s) would be a the non-allowable claim(s).</li> </ol>		timely filed amendm	ent canceling					
7.  For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is protected. The status of the claim(s) is (or will be) as follows:	☑ will not be entered, or b) ☐ wivided below or appended.	ill be entered and an	explanation of					
Claim(s) allowed: Claim(s) objected to:								
Claim(s) rejected: <u>1-15, 23-59, 67 and 68</u> .	•							
Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE								
3. ☐ The affidavit or other evidence filed after a final action, be because applicant failed to provide a showing of good and and was not earlier presented. See 37 CFR 1.116(e).	ut before or on the date of filing a N d sufficient reasons why the affiday	lotice of Appeal will <u>n</u> vit or other evidence i	ot be entered s necessary					
The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to o showing a good and sufficient reasons why it is necessary	vercome all rejections under appea	al and/or appellant fai	Is to provide a					
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER								
<ol> <li>The request for reconsideration has been considered but <u>See Continuation Sheet.</u></li> </ol>	t does NOT place the application in	n condition for allowa	nce because:					
12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).								
3. Other:								

Continuation of 11. does NOT place the application in condition for allowance because: Applicant argued that Jantz does not teach "requesting a fabric driver that is prt of an operating system for the host system to create an operating system device node in the host system for each of a subset of fabric devices not already online". Jantz teahes each management protocol server 828 is queried via an RPC agent thread 826 for its associated device properties. Upon receiving the device properties, DMA 822 builds a device connection table, which gives, for each device, a list of connections into the device. The above information implies that a device connection table is not already online. That is reason why the system has to build a device connection table for each device. A device connection table for each device is represented as creating node (col. 16, lines 13-20).

Applicant argued that Nolan does not teach "requesting a fabric driver that is prt of an operating system for the host system to create an operating system device node in the host system for each of a subset of fabric devices not already online". Nolan teaches that a server includes resources in an operating system. Each resource is represented as the fabric driver. The server also builds LUNs that are displayed to a user (figs. 24-26, col. 9, lines 33-35).

SHAHID ALAM